

Applic. No. 09/981,847
Amdt. dated September 21, 2005
Reply to Office action of July 21, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1 and 3-13 remain in the application.

In the second paragraph on page 5 of the above-identified Office action, claims 1 and 12 have been rejected as being obvious over Sridhar (U.S. Patent No. 6,098,108) in view of Collin et al. (WO 00/49501) (hereinafter "Collin") under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 12 call for, *inter alia*:

displaying a specified number of diagnostic programs stored in said second computing unit after the data connection is established, selecting and starting one of the diagnostic

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programs via the computing unit, and transmitting results of the one diagnostic program to the computing unit.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest displaying a specified number of diagnostic programs stored in said second computing unit after the data connection is established, selecting and starting one of the diagnostic programs via the computing unit, and transmitting results of the one diagnostic program to the computing unit, as recited in claims 1 and 12 of the instant application.

The Examiner correctly stated that Sridhar fails to disclose "displaying a specified number of diagnostic programs stored in the second computing unit after the data connection is established; selecting and starting one of the diagnostic programs via the first computing unit; and transmitting results of the one diagnostics program to the first computing unit."

As will be seen from the comments provided below, contrary to the Examiner's position, the Collin reference does not make up for the deficiencies of Sridhar.

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It is noted that the rejection made by the Examiner over Collin is based on a misunderstanding with respect to the words "client" and "server" as used in Collin. The Examiner assumes that Collin discloses a typical client-server computer system with one client computer and one server computer. However, Collin only discloses a single computer system. This means that there is only one computer hardware system that runs several programs with program modules, some modules named server applications and some modules named client applications. This is disclosed in Figs. 1 and 2 and in the corresponding description of Collin. Fig. 1 shows an exemplary computer system and Fig. 2 shows another embodiment of an exemplary computer system.

Collin discloses that the computer system (100) (Fig. 1) includes a server driver (102) and a server application (104). The single computer system (100) includes an x-system (106) and an x-application (108) (page 7, lines 5-15). However, all the all computer modules (102, 102, 106, and 108) run on the same computer hardware system (100), which is the only computer hardware system. Messages, events, signals and the like can be passed from one of the applications (102, 102, 106, and 108) to another application of the above-mentioned computer modules. There is no second computer hardware unit

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to which a connection is made via the Internet or other computer networks.

On page 8, lines 12-26, the instant application discloses that the wording of "computing unit", used in independent claims 1 and 12, is a computer hardware system. This means that a first computing unit and a second computing unit are clearly disclosed as two separate computer systems that can communicate via the Internet or other networks. Establishing a connection from a first computing unit to a second computing unit, as disclosed in the instant application, means that a network connection is established between the first computer hardware and the second computer hardware. This is contrary to Collin, which discloses passing information from one application to another application within the same computer system (100). Collin does not disclose a network connection, Collin only discloses that computer modules on the same computer system (100) interact with each other.

In Fig. 2 and the corresponding specification on page 8, second paragraph, Collin discloses a second exemplary computer system (200), which does not interact with the computer system (100). The second computer system (200) is just a second example of an embodiment of the same computer system.

Therefore, the second computer system (200) of Collin is not a

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second computer system as recited in claims 1 and 12 of the instant application. Instead, it is another computer system like the first computer system (100) of Collin. Collin discloses that the second computer system (200) runs several applications or computer modules like a message server driver (204), a modem system (202), a signal server driver (206), and signal servers (208 and 210). The horizontal line in Fig. 2 of Collin only separates certain levels within one and the same computer system (200), but not between two or more computer systems. Collin discloses that there is a kernel mode level and an application mode level. The kernel mode level is the core program of the computer system, whereas the application mode level is a subsequent level.

Collin discloses page 9, first paragraph, that the diagnosis is only done on the second computer system (200), where all messages and reports are created. If desired, support personnel can ask the user to send the data base which has been created on the only computer system (200) to their computer. According to claims 1 and 12 of the instant application, no databases are sent from a first computing unit to a second computing unit. Instead, only one database is stored on a first computing unit wherein all addresses of several second computing units are stored. If a certain second computing unit is selected in the database a connection is established to the selected second computing unit and then

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a version comparison between the first and the second

computing units is done with respect to an employed

communications protocol. After the proper communication

protocol has been successfully determined, data connection for

transmitting data is established. Next, a number of

diagnostic programs stored in the second computing unit are

transmitted to the first computing unit so that the user at

first computing unit can select and start one of the

diagnostic programs in the second computing unit via the first

computing unit. Such a process is not disclosed in Collin.

In Collin, the diagnostic programs are just stored on the

first (only) computer unit and are selected by the user of the

first (only) computer unit. When the diagnostics are

completed, the whole result wrapped in a database can be sent

to the support personnel or the developers' company.

Collin discloses the software architecture of one computer

system which is able to pass the database to a support

company. The only disclosure of a second computing system in

Collin is on page 9, lines 3-5, where it is disclosed that the

interaction is limited to passing a database from a single

computer system to support personnel. Collin does not

disclose interaction within a client-server system with

several computer units. This is contrary to the invention of

the instant application, recites displaying a specified number

of diagnostic programs stored in said second computing unit

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after the data connection is established, selecting and starting one of the diagnostic programs via the computing unit, and transmitting results of the one diagnostic program to the computing unit.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 12. Claims 1 and 12 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 12, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-13 are solicited.

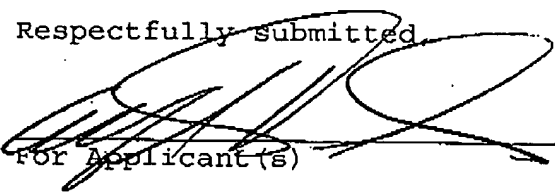
In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted


for Applicant(s)

Alfred K. Dassler
52,794

AKD:cgm

September 21, 2005

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101